

*40* years  
1968-2008



Docket No.: 240441US0



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/620,388  
Applicants: Hajime IKUNO, et al.  
Filing Date: July 17, 2003  
For: PISTON MADE OF ALUMINUM CAST ALLOY  
AND METHOD OF MANUFACTURING THE SAME  
Group Art Unit: 1793  
Examiner: Morillo, J.

SIR:

Attached hereto for filing are the following papers:

**Letter, Third Declaration Under 37 CFR 1.132 (Executed, 5 pages), Clear copy of photographs (3 pages)**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Corwin P. Umbach, Ph.D.

Registration No. 40,211

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

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MAIER & NEUSTADT, P.C.  
Norman F. Oblon

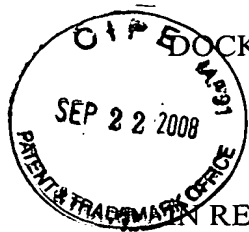
Corwin P. Umbach, Ph.D.

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DOCKET NO: 240441US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

HAJIME IKUNO, ET AL.

SERIAL NO: 10/620,388

FILED: JULY 17, 2003

FOR: PISTON MADE OF ALUMINUM  
CAST ALLOY AND METHOD OF  
MANUFACTURING THE SAME

:

: EXAMINER: MORILLO, J.

: GROUP ART UNIT: 1793

: RCE FILED APRIL 18, 2007

:

LETTER

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

On September 17, 2008, Examiner Morillo asked Applicants' undersigned representative for clearer copies of the photographs appearing in the Third Declaration Under 37 C.F.R. § 1.132 filed June 27, 2008.

Attached is a copy of the Third Declaration Under 37 C.F.R. § 1.132 filed June 27, 2008.

Also attached are clearer copies of the photographs appearing in the Third Declaration Under 37 C.F.R. § 1.132 filed June 27, 2008.

Respectfully submitted,

Customer Number  
**22850**

Tel: (703) 413-3000  
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(OSMMN 08/07)  
CPU/rac

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Corwin P. Umbach, Ph.D.  
Registration No. 40,211



DOCKET NO: 240441US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

HAJIME IKUNO, ET AL.

SERIAL NO: 10/620,388

FILED: JULY 17, 2003

FOR: PISTON MADE OF ALUMINUM  
CAST ALLOY AND METHOD OF  
MANUFACTURING THE SAME

:

: EXAMINER: MORILLO, J.

: GROUP ART UNIT: 1742

: RCE FILED APRIL 18, 2007

:

THIRD DECLARATION UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

I, Hajime Ikuno, a citizen of Japan, hereby declare and state that:

1. I have a Master's degree in metallic material engineering, which was conferred upon me by Osaka University located in 2-1 Yamadaoka, Suita, Osaka, Japan.

2. I have been employed by Toyota Central Research & Development Laboratories, Inc., since 1985 and I have a total of 22 years of work and research experience in the field of metallic materials.

3. The following experiments were carried out by me or under my direct supervision and control.

4. The experimental conditions used to create Tables 9, 10 and 11 of the specification were used to produce the attached Table and twenty-one figures.

5. The Table presents compositional data for the Al alloys appearing in the twenty-one figures. The first twenty figures show the microstructure of twenty alloys each containing an amount of Ca within the "Ca (Calcium) : 0.0005-0.003 mass %" of independent Claims 1, 15, 26 and 31. The twenty-first figure shows the microstructure of a comparative twenty-first Al alloy (i.e., comparative example sample No. A3, see specification at page 46, Table 9 and Fig. 7) with only 0.0002 mass % Ca and having a coarse, non-homogeneous microstructure.

6. The Table and figures show that the significant improvement in homogeneous microstructure (texture) that is achieved in accordance with the present invention over the range of "Ca(Calcium) : 0.0005-0.003 mass%" is achieved over the ranges of Ti, Si, Cu, Fe, Ni, P, V, Zr and Mn respectively featured in independent Claims 1, 15, 26 and 31.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

8. Further declarant saith not.

Date: June 25, 2008

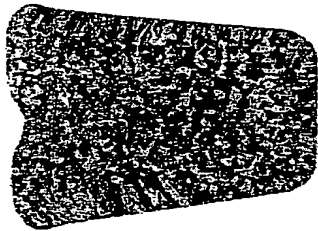
Hajime Ikuno

Hajime Ikuno

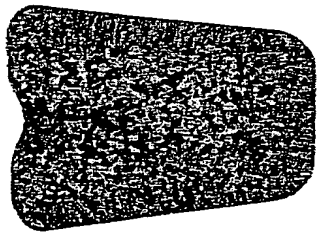
Attached:

Table

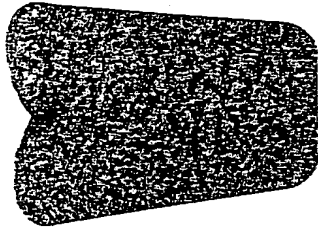
Twenty-one figures



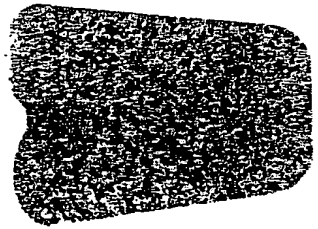
0.3Mg



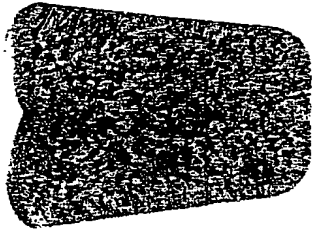
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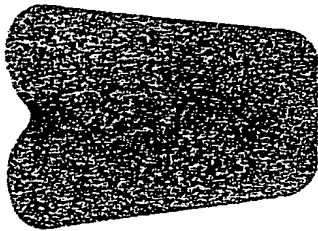
0.2Fe-0.2Mn



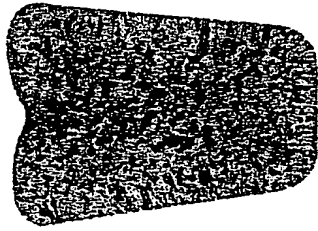
0.6Fe-0.6Mn



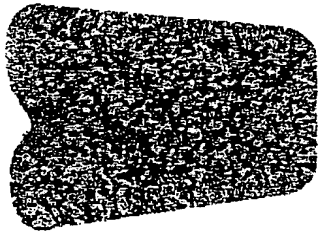
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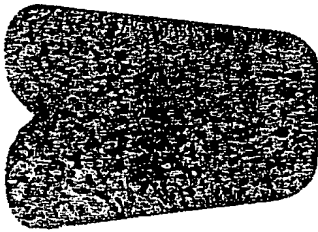
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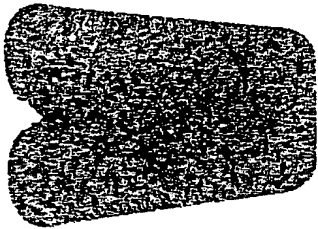
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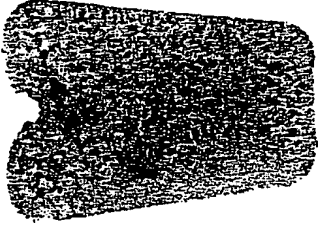
0.1Zr-0.1V



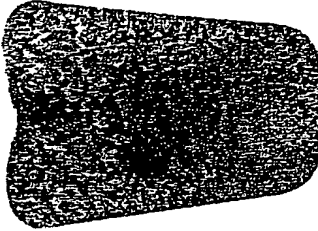
1.8Ni



2.5Ni

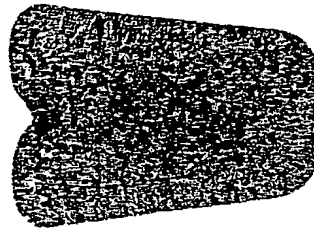


20Cu

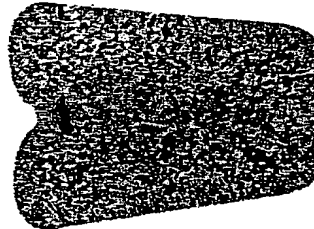


3.2Cu

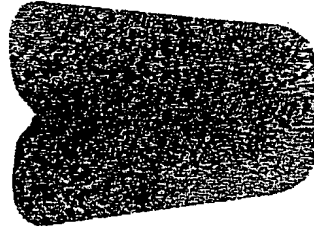
(mass%)



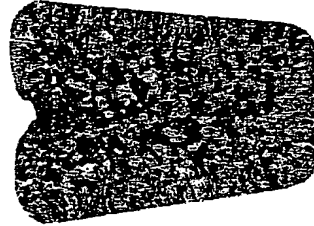
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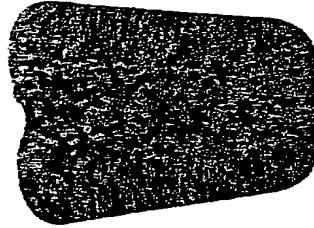
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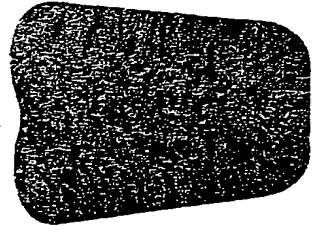
11Si



13.5Si

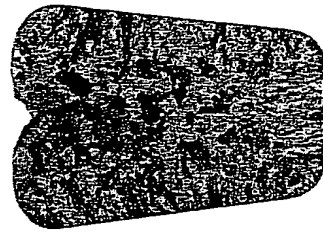


18Si



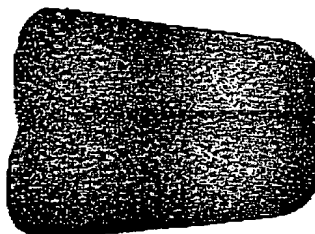
21Si

(mass%)



Comparative sample A3

10mm



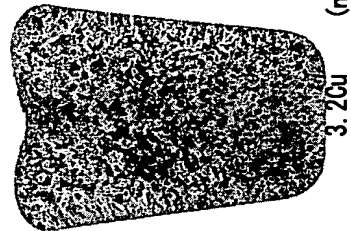
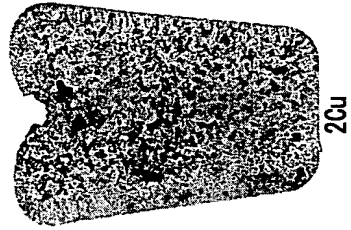
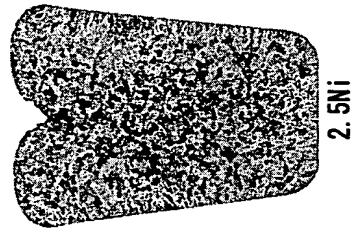
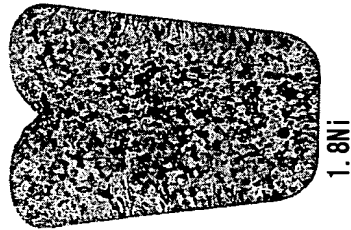
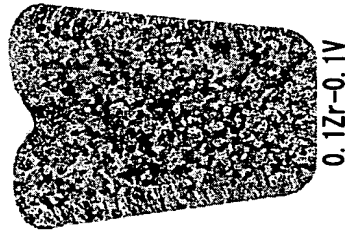
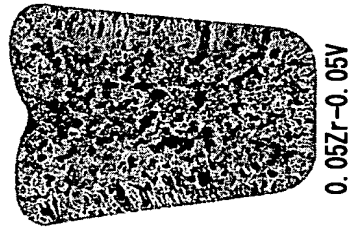
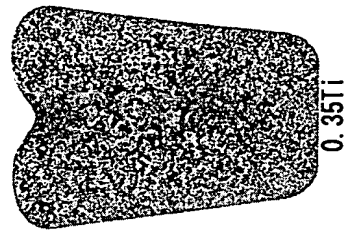
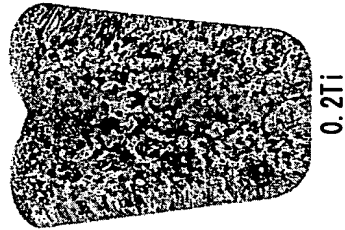
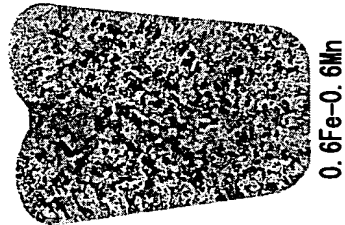
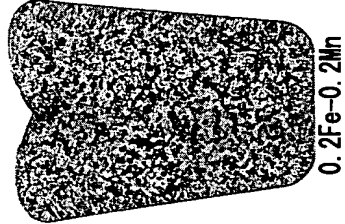
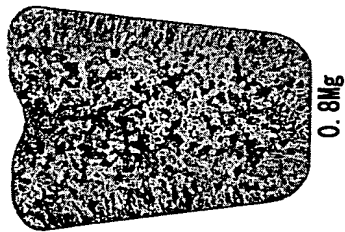
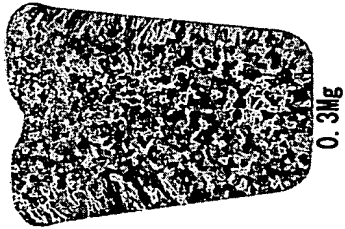
10mm

**20Si+Mg**

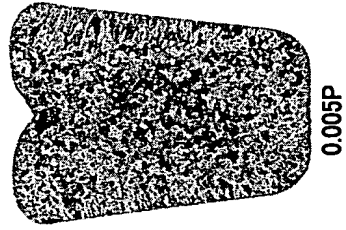
**$^{11}\text{Si-OMg}$**

[illegible]

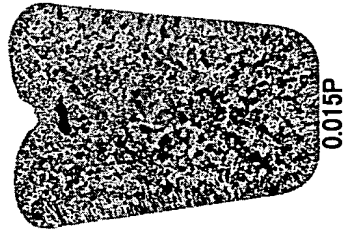




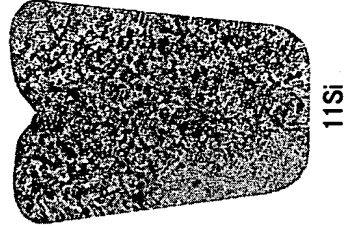
(mass%)



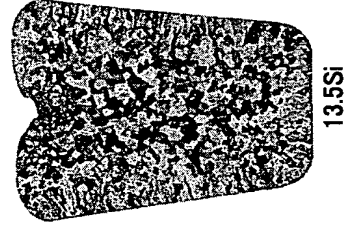
0.005P



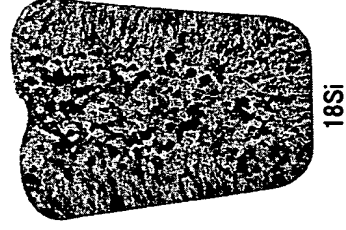
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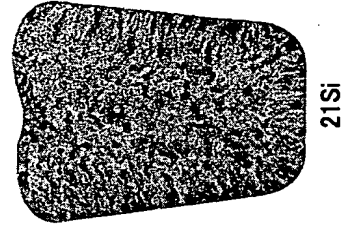
11Si



13.5Si

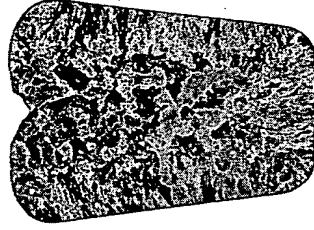


18Si



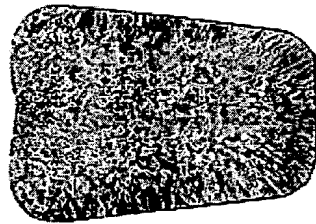
21Si

(mass%)

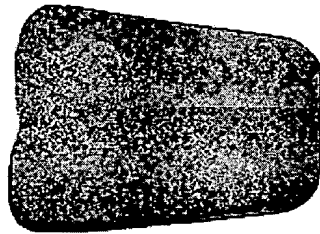


Comparative sample A3

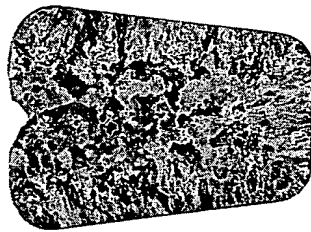
10mm



**20Si+Mg**



**$^{11}\text{Si-0Mg}$**



### Comparative sample A3

10mm

[illegible]